

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

TYMPSYN HULL	)	
Plaintiff	)	
	)	
VS.	)	Case No. 6:21-cv-3122
	)	
CLASS ACT MANAGEMENT, INC.	)	
Defendant	)	JURY TRIAL DEMANDED

**COMPLAINT**

PLAINTIFF, by counsel, sets forth her Complaint against Defendant as follows:

1. This cause of action is brought pursuant to the Americans with Disabilities Act.
2. The events giving rise to this cause of action occurred in Christian County, Missouri.
3. Defendant Class Act Management, Inc. operates a McDonald's Restaurant at 401 N. 21<sup>st</sup> St., Ozark Mo.
4. Plaintiff was an employee of Defendant at the above location between October 2019 and September 2020.
5. Plaintiff has one or more disabilities, namely Asperger's syndrome, Tourette's Syndrome, and ongoing leg and back pain.
6. Plaintiff was fully able to perform the essential functions of her employment with Defendant.
7. Defendant knew of Plaintiff's disabilities during Plaintiff's employment with Defendant.
8. Plaintiff's leg and back pain required Defendant to make reasonable accommodations for Plaintiff, namely the ability to sit for about 10 minutes for every 3 to 4 hours of standing.
9. While employed by Defendant, Plaintiff was subjected to repeated hostility from her managers and coworkers because of her Asperger's and Tourette's.
10. One of Plaintiff's co-workers threatened physical harm to Plaintiff because of Plaintiff's disabilities.
11. Defendant's store managers refused to accommodate Plaintiff by refusing to

permit Plaintiff to sit during her shift, and requiring Plaintiff to stand for 6 or more consecutive hours.

12. Defendant's store manager also told Plaintiff not to make noise even though he knew Plaintiff has Tourette's Syndrome, which gives Plaintiff uncontrollable compulsions.
13. The same store manager also told Plaintiff's co-workers that he believed Plaintiff was faking having Tourette's Syndrome.
14. On or about August 21, 2020 Plaintiff burned her hand on hot coffee while at work.
15. Defendant knew of Plaintiff's injuries because multiple managers were present at the time and witnessed the injury.
16. Defendant's store manager at the time refused to make an injury report and refused to permit Plaintiff to seek immediate medical attention for her injury.
17. On or about September 5, 2020 Plaintiff quit her employment with Defendant.
18. Plaintiff felt compelled to quit her employment because of the hostile work environment that was directed against Plaintiff because of Plaintiff's disabilities.
19. As a result of Defendant's actions, Plaintiff has been damaged.
20. Defendant's actions were willful and malicious and made with the knowledge they would cause harm to Plaintiff.
21. On or about October 27, 2020 Plaintiff, who was a minor at the time, filed a charge of discrimination through her mother with the EEOC and Missouri Commission on Human Rights. A true and accurate copy of the charge is attached hereto as Exhibit 1 and incorporated herein by reference.
22. On or about May 10, 2020 the EEOC issue Plaintiff a notice of Right to Sue. A true and accurate copy of the Right to Sue is attached hereto as Exhibit 2 and incorporated herein by reference.
23. Plaintiff demands a Trial by Jury on all matters so triable.

WHEREFORE Plaintiff prays the Court for judgment against Defendant for Plaintiff's damages, including lost wages, emotional distress, punitive damages, attorney fees, costs, and such other relief as is just and proper.

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